



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

JUL 31 2014

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Article No. 7005 3110 0000 5939 5943

Jason Schindler
Senior Project Manager
Weston Solutions, Inc.
205 Campus Drive
Edison, NJ 08837

Re: **RCRA § 3007 Information Request**
Hatco Site - EPA I.D. No. NJD 091 399 329

Dear Mr. Schindler:

The U.S. Environmental Protection Agency (EPA) is charged with the protection of human health and the environment under the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6901 et seq.

Pursuant to the provisions of Section 3007 of RCRA, 42 U.S.C. § 6927, EPA may require parties who handle or have handled hazardous waste to provide information relating to such wastes. Pursuant to the statutory provisions cited above, EPA hereby requires that you provide the information requested in Attachment I to this letter using the instructions and definitions included in Attachment II. This information is necessary to determine the compliance status of the Hatco Site located at 1020 King Georges Post Road in Fords, New Jersey.

Please provide the information requested no later than thirty (30) calendar days from receipt of this letter. Requests for additional time must be justified. Requests for additional time must be made within ten (10) calendar days of receipt of this letter. The response must be signed by a responsible official or agent of your company.

The response to the request in the attachment must be mailed to the following address:

Mr. Ronald Voelkel
Environmental Scientist
RCRA Compliance Branch
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency- Region 2
290 Broadway, 21st Floor
New York, NY 10007-1866

You may, if you so desire, assert a business confidentiality claim covering all or part of the information herein requested. The claim may be asserted by placing on (or attaching to) the information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential". The claim should set forth the information requested in 40 Code of Federal Regulations (40 C.F.R.) Section 2.204(e)(4). Information covered by such a claim will be disclosed by EPA only to the extent permitted by, and by means of procedures set forth in, 40 C.F.R. Part 2. EPA will review the information to determine the extent of confidentiality of the information, and may, at its discretion, challenge the confidentiality claim pursuant to the procedures set forth at 40 C.F.R. Part 2. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you.

This information request is not subject to the requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Part 3501 et seq.

Failure to respond in full to this requirement is a violation of RCRA and may result in federal enforcement action pursuant to Section 3008 of RCRA, 42 U.S.C. Section 6928.

Please direct any questions you may have concerning this matter to Mr. Ronald Voelkel at (212) 637-1470 or voelkel.ronald@epa.gov.

Sincerely yours,



Leonard Voo, Chief
RCRA Compliance Branch
Division of Enforcement and Compliance Assistance

Enclosures

cc: Michael A. Skirka, Principle
Weston Solutions, Inc.
205 Campus Drive
Edison, NJ 08837

Susan C. Castles
Manager of Environmental Affairs
Chemtura USA Corporation
199 Benson Road
Middlebury, CT 06749

Mike Hastry, Chief
Bureau of Hazardous Waste Compliance and Enforcement
P.O. Box 420, Mail Code 09-03
Trenton, NJ 08625-0420

ATTACHMENT I

Question 1

Recently, staff of the RCRA Compliance Branch (RCB), Division of Enforcement and Compliance Assistance (DECA), of the U.S. EPA, Region 2, undertook a review of documents pertaining to the site history and environmental clean-up efforts at the Hatco/Chemtura site ("Hatco site") located 1020 King Georges Post Road, Fords, New Jersey. The purpose of this review was to determine whether or not all RCRA concerns, i.e. those pertaining to the management of hazardous waste, and other environmental media, are being fully addressed, particularly in regards to the mitigation of on-site contamination of soil and groundwater, and the possible off-site migration of Light Non-Aqueous Phase Liquids ("LNAPL") or other hazardous waste or hazardous waste constituents.

Documents reviewed have included the site's Remedial Action Workplan ("RAWP") dated 2005, and referenced therein, the Remedial Investigation Report (RIR; May, 1993). Additional documents, including the New Jersey Administrative Order on Consent, dated January 30, 2007, were also reviewed.

It is our understanding that the Remedial Action Workplan specifically addresses six remedial actions which are delineated on page ES-2 and are abstracted as follows: (1) excavate and ship off-site all soil containing Polychlorinated Biphenyls ("PCBs") in concentrations of greater than 500 mg kg⁻¹; (2) capping all locations on the Hatco site that have PCB concentrations greater than 2 mg kg⁻¹; (3) excavate and off-site shipment of "chemical waste sludges" and of PCB-contaminated sediment overlying the clay layer of two on-site lagoons to less than 500 mg kg⁻¹; verify the integrity of the clay layer or otherwise restore its integrity; (4) remove and/or cap contaminated stream sediments in Crows Mill Creek west and southwest of the Hatco site; (5) mitigate on-site and off-site wetlands; and (6) install and operate a Light Non-Aqueous Phase Liquid recovery unit "to extent possible" on the water table aquifer at the Main Production Area and Muck Area concurrent with excavation and capping.

From a review of other informational sources, we have some knowledge regarding the recent or current status of the above remedial action items noting, for example, that the capping of the lagoon area is in final design preparation, and that LNAPL recovered thus far totals 6,339 gallons. However, in order for us to make a complete assessment of the present conditions at the Hatco site in regards to any potential RCRA and other environmental media concerns, we are requesting that you provide following information:

- a. For *each* remedial action stipulated on page ES-2 in the Remedial Action Workplan, and abstracted above, please provide a narrative which details the chronological history describing the progress made in implementing and executing each action item, and provide the current status towards the completion of each action.
- b. For any other remedial action which has been planned, implemented, and/or completed on the Hatco site, please submit a narrative which provides a detailed chronological

history describing the discovery of each environmental concern which was determined to require remedial action, the progress made in implementing and executing each remedial action, and the current status towards the completion of each action item.

- c. For each action described in your response to Questions 1a and 1b, above, please provide an estimated date of completion; if no completion date is foreseeable, please provide a statement detailing the reason(s) that the completion of any remedial action is not known or anticipated.

Question 2

The Remedial Investigation Report, as referenced in the Remedial Action Workplan, details the systematic delineation of on-site contamination of PCBs, LNAPLs, volatile organic compounds ("VOC"), and Polycyclic Aromatic Hydrocarbons ("PAH"), and other hazardous waste constituents, in soil, groundwater, and sediments. It is our understanding, however, that contaminants were also discovered off-site that may have migrated from the Hatco site. In reviewing available documents, we were not able to find any specific information as to the manner in which these discoveries were made, including whether or not there were any systematic investigations conducted to delineate any off-site contamination, or if the quality of groundwater and/or soil may have been impacted by the migration of contaminants from the Hatco site.

So that we are made aware of any potential RCRA and other environmental media concerns in areas off-site of the Hatco site which may have originated from the Hatco facility, particularly in regards to the migration of LNAPL or hazardous waste or hazardous waste constituents, please provide the following:

- a. Please submit copies of any environmental assessments or investigation activities that were conducted to identify or otherwise delineate any negative impact to soil, groundwater, or sediments immediately off-site of the Hatco facility.
- b. Please provide a detailed narrative which offers an historical/chronological account of any and all knowledge of potential and actual *off-site* migration of contaminants, including PCBs, LNAPL, etc., from the Hatco site which may have negatively impacted soil, groundwater, or sediments off-site of the Hatco facility.
- c. Please state and describe any proposed or considered investigative activities or environmental assessments for the area off-site of the Hatco facility.
- d. Please provide a description of any and all remedial actions which has been proposed, planned, implemented, and/or completed for the area off-site of the Hatco facility.

ATTACHMENT II

Instructions and Definitions

In responding to this Request for Information, apply the following instructions and definitions:

1. The signatory should be an officer or agent who is authorized to respond on behalf of the company or facility.
2. A complete response must be made to each individual question in this request for information. Identify each answer with the number of the question to which it is addressed.
3. In preparing your response to each question, consult with all present and former employees and agents of the company or facility who you have reason to believe may be familiar with the matter to which the question pertains.
4. In answering each question, identify all contributing sources of information.
5. If you are unable to answer a question in a detailed and complete manner or if you are unable to provide any of the information or documents requested, indicate the reason for your inability to do so. If you have reason to believe that there is an individual who may be able to provide more detail or documentation in response to any question, state that person's name and last known address and phone number and the reasons for your belief.
6. If you cannot provide a precise answer to any question, please approximate and state the reason for your inability to be specific.
7. For each document produced in response to this Request for Information, indicate on the document or in some other reasonable manner, the number of the question to which it applies.
8. If anything is deleted from a document produced in response to this Request for Information, state the reason for and the subject matter of the deletion.
9. If a document is requested but is not available, state the reason for its unavailability. In addition, identify any such document by author, date, subject matter, number of pages, and all recipients and their addresses.

10. The company and/or facility for the purposes of this Request for Information is the Hatco Site located at 1020 King Georges Post Road in Fords, New Jersey.
11. Hazardous waste shall be defined for the purposes of this Request for Information as that term is defined in Section 1004(5) of RCRA, as amended, 42 U.S.C. Part 6903(5) and in 40 C.F.R., Section 261.3.
12. Manage shall be defined for the purposes of this Request for Information as a market, generate, treat, store, dispose or otherwise handle.
13. Standards applicable to transporters of hazardous waste shall be those as established in 40 C.F.R. Part 263.
14. Hazardous constituents shall be defined as those substances listed in 40 C.F.R. Part 261, Appendix VIII.

ATTACHMENT III

Certification of Answers to Responses to Request for Information

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, that the submitted information is true, accurate and complete, and that all documents submitted herewith are complete and authentic, unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

NAME (print or type)

TITLE (print or type)

SIGNATURE

DATE